

Civ. No. 09-4564 (WHW)

NOT FOR PUBLICATION

this litigation, comply with their discovery obligations, and attend Court ordered scheduling conferences. Applying the six-factor test established by the Third Circuit in Poulis v. State Farm Fire & Casualty Co., 747 F.2d 863, 868 (3d Cir. 1984), the Report and Recommendation concludes that the appropriate sanction for this conduct would be dismissal of the Amended Complaint as to the Lebanon Plaintiffs. This Court adopts the Report and Recommendation and imposes the recommended sanction.

It is, on this 13th day of March, 2013:

ORDERED that the November 16, 2012 Report and Recommendation is ADOPTED and the Amended Complaint (Docket Entry 1, Exhibit C only as to Lebanon Plaintiffs) as to the Lebanon Plaintiffs is dismissed with prejudice.

/s/ William H. Walls
United States Senior District Judge